REMARKS/ARGUMENTS

Reconsideration and allowance of this application are respectfully requested.

Currently, claims 1-47 are pending in this application.

Rejection Under 35 U.S.C. §101:

Claims 13-20, 31 and 34 were rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. These claims have been amended to require a storage device. Accordingly, claims 13-20, 31 and 34 are directed to a tangible embodiment. This amendment is supported by, for example, Figs. 1-2 and corresponding written description of the present application. Accordingly, Applicant respectfully requests that the rejection of claims 13-20, 31 and 34 under 35 U.S.C. §101 be withdrawn.

Rejections Under 35 U.S.C. §102 and §103:

Claims 1-3, 6-8, 11-17, 19, 21-23, 25-26 and 28-32 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Factor (U.S. '423). Applicant respectfully traverses this rejection.

For a reference to anticipate a claim, each element must be found, either expressly or under principles of inherency, in the reference. Each element of the claimed invention is not found in Factor. For example, a server being sent from a first place *through* a distributed computing environment towards a second place is not found in Factor as required by independent claims 1 and 8. Similar comments apply to claims 21, 29 and 30. Factor also fails to disclose a software entity for providing a server, the software

entity being selectably relocatable to different places *via transmission through* a

distributed computing environment as required by independent claim 13. Similar (but not

necessarily identical) comments apply to independent claims 25, 28, 31 and 32.

Section 5 (page 3) of the Office Action apparently alleges that col. 8, lines 41-56

of Factor discloses the above noted limitations. Applicant respectfully disagrees. Col. 8,

lines 41-56 of Factor states the following:

> "The third LLSP 50 is the current LLSP of resource X. In
> this hypothetical situation, resource X was initially created or
> born under birth computer 40 and then **migrated** along path 44 to
> its current controlling computer 46. Thus, resource X has a birth
> LLSP 42, a birth computer 40, a current LLSP 50, and current
> controlling computer 46. As noted with regard to FIG. 1, both
> LLSP's 42 and 50 would include information in their respective
> data structures regarding the present location of resource X. Birth
> LLSP 42 would have time-invariant responsibility for resource
> X, while current LLSP 50 would have time-variant responsibility
> for resource X. If resource X were to at some future time
> **migrate** to a new LLSP, LLSP 50 would no longer have
> responsibility for maintaining or tracking resource X. However,
> birth LLSP 42 must always maintain information regarding the
> location of resource X (emphasis added)."

The above portion of Factor discloses resource X migrating from computer 40

along path 44 to computer 46. However, "migration" relates to the <u>physical</u>

disengagement movement and re-engagement of a resource. For example, migration is

discussed in detail in col. 2, lines 16-33 of Factor which discloses the following:

> "**Migration** is a persistent change of either the owner or
> controller of a given resource. The controller of a resource is
> changed by **detaching it from one computer and reattaching it**
> **to another (e.g., by physically moving a diskette from a drive**
> **on one machine to a drive on another machine)**. The owner of
> a (logical) resource is changed by destructively copying the
> logical resource (e.g., moving the backing store for a region of

distributed shared memory from one device to another) (emphasis added)."

Accordingly, Factor clearly discloses that a controller is changed by physically detaching the resource (e.g., a diskette) from one computer (e.g., a first drive) and reattaching it to another (e.g., a second drive). An owner is changed by "destructively copying" the logical resource. With such physical migration, it is logistically difficult for a user to track and locate resources on a large distributed network. Factor is directed to resolving this problem.

As discussed above, "migration" described by Factor refers to physically detaching and reattaching, or else refers to a destructive copying. Resource X described in col. 8, lines 41-56, which migrates from computer 40 to computer 46, is thus not sent *through* the distributed computing environment, and certainly not sent *via transmission through* a distributed computing environment as required by the claims. Sending a server through a distributed computing environment is not disclosed by Factor's concept of migration.

Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. §102 in view of Factor be withdrawn.

Claims 4-5, 9-10, 18, 20, 24 and 33-47 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Factor in view of Cole et al (U.S. '314, hereinafter "Cole"). Applicant respectfully traverses this rejection. Cole fails to remedy the above described deficiencies of Factor. Cole describes an object or object set being flattened into buffer 38, transferring the flattened object or object set to computer 22, and then

unflattening the object or object set in computer 22 for storage and use by computer 22.

However, these teachings are not applicable to the physical "migration" disclosed by

Factor. Accordingly, one of ordinary skill in the art would not have been motivated to

combine the teachings of Cole and Factor to arrive at the present invention. As a

particular example, the combination of Cole and Factor fails to teach or suggest a server

being serialized for transmission between a first place, *through* the distributed computing

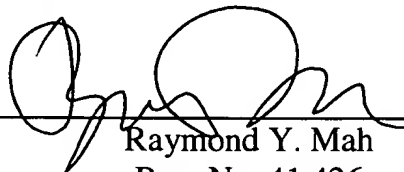environment, to second (different) place as required by claim 20.

Accordingly, Applicant respectfully requests that the rejection in view of Factor

and Cole be withdrawn.

Conclusion:

Applicant believes that this entire application is in condition for allowance and

respectfully requests a notice to this effect. If the Examiner has any questions or believes

that an interview would further prosecution of this application, the Examiner is invited to

telephone the undersigned.

Respectfully submitted,

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